

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,

CR. 04-50131

Plaintiff,

vs.

JOHN WATERS,

DEFENDANT'S FIRST MOTION
FOR RECONSIDERATION OF
PRETRIAL RELEASE

Defendant.

Comes now John Waters, Defendant above-named, by and through the Office of the Federal Public Defender, and moves this Honorable Court for its Order modifying the Detention Order previously entered herein. The grounds and reasons in support of this Motion are as follows:

Assistant Federal Public Defender Monica D. Thomas has requested that the probation officer on this case, Jane Rager, investigate potential conditions of pretrial release in this matter. Ms. Rager has been asked to investigate a possible release of Defendant to attend treatment at the North East Panhandle Substance Abuse Center (NEPSAC), in Gordon, Nebraska. Defendant has been accepted for admittance on January 27, 2005. Attached is Defendant's letter of acceptance from NEPSAC. Defendant respectfully requests that he be released on January 27, 2005, on pretrial release with the condition that he attend and successfully complete inpatient treatment at NEPSAC. Transportation will be provided by Defendant's sister, Kathy Waters. Upon completion of treatment, Kathy Waters will transport Defendant back to the Pennington County

Jail.

This motion is limited to the request that Defendant be released to attend treatment at NEPSAC pending possible further Order of this Court.

Dated this 6th day of January, 2005.

Respectfully submitted,

JEFFREY L. VIKEN
Federal Public Defender

By:

/s/ Monica D. Thomas

Monica D. Thomas, Assistant Federal Public Defender
Attorney for Defendant
Office of the Federal Public Defender
District of South Dakota
703 Main Street, 2nd Floor
Rapid City, SD 57701
Telephone: 605-343-5110 Facsimile: 605-343-1498

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of January, 2005, a true and correct copy of the foregoing Defendant's First Motion for Reconsideration of Pretrial Release was served upon the following person, by placing the same in the service indicated, addressed as follows:

Jonathan A. Kobes	<input type="checkbox"/>	U.S. Mail
Assistant U.S. Attorney	<input type="checkbox"/>	Hand Delivery
United States Courthouse	<input type="checkbox"/>	Facsimile
515 Ninth Street	<input type="checkbox"/>	Federal Express
Rapid City, SD 57701	<input checked="" type="checkbox"/>	Electronic Case Filing
Jane Rager	<input type="checkbox"/>	U.S. Mail
U.S. Probation	<input type="checkbox"/>	Hand Delivery
United States Courthouse	<input type="checkbox"/>	Facsimile
515 Ninth Street	<input type="checkbox"/>	Federal Express
Rapid City, SD 57701	<input checked="" type="checkbox"/>	Electronic Case Filing

/s/ Monica D. Thomas

Monica D. Thomas